

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-cv-00494-GCM**

QUEEN CITY BREAD, INC.,

Plaintiff,

v.

BIMBO FOOD BAKERIES
DISTRIBUTION, LLC, formerly known as
GEORGE WESTON BAKERIES
DISTRIBUTION, INC.

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Preliminary Injunction (Doc. No. 19). This Motion was originally a Complaint and Motion for Injunctive Relief filed in Superior Court in the State of North Carolina, Mecklenburg County, seeking a temporary restraining order and preliminary injunction. (Doc. No. 1-1). On August 17, the Superior Court of North Carolina denied Plaintiff’s motion for a temporary restraining order. (Doc. 12-1). Defendant subsequently removed this action to federal court (Doc. No. 1), and this Court ordered that the Motion for Injunctive Relief be converted into a Motion for Preliminary Injunction (Doc. No. 4). Both parties filed timely briefs, and a hearing on this matter was held on October 16, 2017. Based on the evidence in the record and for the reasons stated in open court, the Court finds that Plaintiff made a clear showing that (1) “he is likely to succeed on the merits,” (2) “he is likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance of equities tips in his favor,” and (4) “an injunction is in the public interest.” *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Thus, Plaintiff’s Motion for Preliminary Injunction is **GRANTED**. Defendant is hereby

enjoined from taking action pursuant to § 8.4 of the Distribution Agreement pending resolution of this litigation.

SO ORDERED.

Signed: October 16, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

